

EXHIBIT C

N27VHERT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERMÈS INTERNATIONAL, et al.,

Plaintiffs,

v.

22 Civ. 384 (JSR)

MASON ROTHSCHILD,

Defendant.

Trial

New York, N.Y.
February 7, 2023
11:00 a.m.

Before:

HON. JED S. RAKOFF,

District Judge
-and a Jury-

APPEARANCES

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1 THE COURT: Well, I hear what you're saying, and I
2 think your argument is not without some force. But I think in
3 the end, it's more important to convey -- or reduce the very
4 confusion that defense counsel posited was maybe implicit in
5 their note, so I will go with my proposed instruction.

6 All right. Stay tuned.

7 (Recess pending verdict)

8 THE COURT: So we've received another note which we
9 will mark as Jury Note 4.

10 Dear Judge Rakoff, No. 1, if the jury decides that
11 Mr. Rothschild infringed and diluted the trademark and is
12 liable for cybersquatting, yet feels there is a First Amendment
13 protection, is he able to continue selling the NFTs, as well as
14 keep ownership of the www metabirkins.com?

15 No. 2, if we are unanimous on the first three charges,
16 but can't resolve the First Amendment issue, what happens?

17 So with respect to No. 2, I think the answer is we
18 will ask you to continue to deliberate. It's only early
19 February.

20 With respect to the first question, I think the answer
21 is, in effect, that's not to be determined by this litigation.
22 I can't remember, did plaintiff move for injunctive relief?

23 MR. WARSHAVSKY: We did, your Honor.

24 THE COURT: Oh, all right. So it could be determined
25 by this litigation.